

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE: NEW ENGLAND COMPOUNDING)	
PHARMACY, INC., PRODUCTS LIABILITY)	
LITIGATION)	
)	MDL No.: 2419
)	Master Docket No.: 1:13-md-2419-FDS
)	
THIS DOCUMENT RELATES TO:)	
)	
)	
All actions.)	

**NOTICE OF FILING OF JOINT CHART SHOWING HEALTHCARE PROVIDERS’
OBJECTIONS TO PLAINTIFFS’ STEERING COMMITTEE’S SUBPOENAS**

The Plaintiffs’ Steering Committee (“PSC”) hereby gives notice of the filing of the Joint Chart Showing Healthcare Providers’ Objections to the PSC’s Subpoena, and in support thereof states the following:

1. On June 21, 2013 the court entered its Order Granting Plaintiffs Leave to Serve Subpoenas and Qualified Protective Order Regarding Protection of Health Information (Document 192) and its Order on Central Enforcement of Subpoenas (Document 193).

2. On and after June 21, 2013 attorneys acting on behalf of the PSC served subpoenas on healthcare providers identified by the United States Centers for Disease Control and Prevention (“CDC”) as having received medication from any of three recalled lots of methylprednisolone acetate (“MPA”) from New England Compounding Pharmacy, Inc. (“NECC”).

3. Within weeks following service of the subpoenas approximately 37 of the subpoena recipients had filed or voiced objections to the subpoenas.

4. In a written order dated August 1, 2013 (Document 370) and an electronic order dated September 24, 2013 (Document 450), Judge Saylor referred the objections to Judge Boal for adjudication.

5. On September 26, 2013 Judge Boal entered a Scheduling Order directing the parties to “confer in an attempt to provide the Court with a joint chart (and report, if needed) identifying which issues remain outstanding and need to be resolved by this Court. Such chart (and report, if needed) shall be filed no later than October 16, 2013.”

6. On October 3, 2013 a conference call was held by the PSC and counsel for any of the objecting healthcare providers who wished to participate. The conference call largely consisted of the PSC taking input from counsel for the objecting healthcare providers regarding requested changes to the chart. In addition, the PSC invited counsel for the objecting healthcare providers to provide written requests for changes to the chart.

7. The input received by the PSC can generally be classified into two groups: (i) requests that specific objections by a particular healthcare provider be added or removed from the chart, and (ii) suggestions or requests for changes in the wording and/or arrangement of the objections (presented down the left-hand side of the chart).

8. Late on October 14, 2013 a revised version of the chart was again circulated to counsel for the objecting clinics, giving them a final opportunity to make additional requests or suggestions for modifications to the chart. Throughout the day on October 15, 2013 additional requests were received by the PSC.

9. The PSC respectfully submits that the attached Joint Chart represents, as accurately as is reasonably feasible, the input received by the PSC from counsel for the objecting healthcare providers both during the conference call and in subsequent written communications.

(i) The attached Joint Chart contains all the requested additions and deletions of particular objections for the healthcare providers, which additions and deletions are highlighted on the chart in green cells. The PSC reserves the right to move to overrule, on the basis of lack of timeliness, any request for an additional objection if the objection was first received by the PSC pursuant to the recent discussions or written submissions.

(ii) The attached Joint Chart also contains most or all of the suggestions for revisions to the wording and/or arrangement of the specified objections. Specific changes of this type include, without limitation, the addition of a new group of objections added to the very end of the chart based on relevance, with a specific objection based on the relevance of insurance policies requested from non-parties.

WHEREFORE, the Plaintiffs' Steering Committee hereby submits the attached Joint Chart as reflective of the efforts of the PSC and counsel for many of the objecting healthcare providers to accurately capture all of the objections currently pending before this court.

Date: October 16, 2013

Respectfully submitted:

/s/ Patrick T. Fennell

Patrick T. Fennell (VSB 40393)

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Plaintiffs' Steering Committee

CERTIFICATE OF SERVICE

I, Patrick T. Fennell, hereby certify that I caused a copy of the foregoing *Notice Of Filing Of Joint Chart Showing Healthcare Providers' Objections to Plaintiffs' Steering Committee's Subpoenas* to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Date: October 16, 2013

/s/Patrick T. Fennell
Patrick T. Fennell (VSB 40393))